

DOE-issued Cease and Desist Order to WASHINGTON AQUEDUCT  
January 15, 2015

**Issue:** On January 14<sup>th</sup>, 2015, the District Department of the Environment issued a Cease and Desist Order to the Washington Aqueduct (WA) ordering the WA to stop discharging from Outfalls #003 and 004 at their Georgetown sedimentation basins. The discharge is a by-pass approved by the USEPA.

**Background:** Prior to issuance of the most recent NPDES permit, the WA was authorized to discharge from its sedimentation basins directly into the Potomac River, subject to certain conditions. The WA's most recent NPDES Permit prohibits discharges from the sedimentation basins following construction of the residuals processing facility. It was always anticipated that the WA might have occasionally have an operational need to discharge from one or more sediment basins, and the parties understood that the standard upset and bypass conditions of the NPDES permit would provide the basis for authorizing a direct discharge when there is an operational need. WA has periodically requested and EPA periodically has approved anticipated bypasses due to operational needs. The United States Environmental Protection Agency, Region III ("EPA") has received the Washington Aqueduct's electronic mail request dated September 15, 2014 for authorization of an anticipated bypass pursuant to Part II, Section B, Paragraph 3 of the Washington Aqueduct's National Pollutant Discharge Elimination System permit No. DC0000019 ("NPDES Permit") through Outfalls 003 and 004 of the treatment systems installed in the two Georgetown Sedimentation Basins. The bypass is requested in order to remove sediment that has accumulated during a period of time when the newly installed dredge cabling and winch system was being integrated into the normal operating practices for continuously removing sediment accumulating in the two basins. The accumulation is partially as a result of an unanticipated design flaw in the current system. While the Aqueduct has identified means to ensure that sediment build up will not recur, the current accumulation of solids built up over the past two years exceeds the system's design capacity for it to be removed by dredge and sent to the Residuals Processing Facility, either normally or with a standalone project. The build up of sediment has created conditions that could affect odor and other potential aesthetic concerns with the finished drinking water. EPA approved the bypass on November 10, 2014 and sent an amended letter clarifying the scope of the approval on December 5, 2014.

EPA's approval included the following conditions all of which are longstanding conditions for discharges from the sediment basin and generally are intended to ensure appropriate dilution of the large amount of sediment to be discharged: (1) no discharges during the spring spawning season (2/15-6/20); (2) no discharge through Outfalls 003 and 004 unless the flow in the Potomac River is equal to or greater than 1500 million gallons per day (mgd) as measured at the gauge station at Little Falls (2.90 feet in river elevation); (3) extend the duration of the discharge (which includes a step of the initial draining of flocculent/sediment-laden water and a step that is a final flushing of remaining flocculants/sediment) from Outfalls 003 and 004

to a minimum of thirty-six (36) hours per basin, with each discharge step at a constant rate on an hourly basis; and (4) increase the quantity of untreated water used to flush and clean the basins twice the amount used for each cleaning in 2001.

EPA notified DDOE of the approved bypass. DDOE has sent inspectors to observe the bypass. DDOE requested additional flushing and that the WA take samples. WA has agreed to DDOE's requests.

DDOE issued a Cease and Desist Order to the WA to cease discharging on January 14, 2015.

### **Status**

DDOE has provided photos of the discharge to EPA but has not explained to EPA the basis of its Cease and Desist Order. EPA is currently ascertaining information to determine WA's compliance with the By-Pass approval.